

September 20, 2007

## **REAFFIRMATION OF NO SIGNIFICANT IMPACT**

### **TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:**

In accordance with the environmental review guidelines of the Council on Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1500, and with the use of the implementing environmental review procedures of the United States Environmental Protection Agency (EPA) found at 40 CFR Part 6 entitled "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act" as guidance, the EPA has performed an environmental review of the following proposed action:

Rio Grande Valley Utilities Infrastructure Construction Project  
proposed by Bernalillo County for the North and South Valleys  
located in Bernalillo County, New Mexico

Estimated EPA Share: \$ 18,883,534

Estimated Local Share: \$ 38,024,128

### **BACKGROUND**

The Fiscal Year 2000 through 2006 Appropriations Acts for the EPA included special Congressional funding for water and wastewater construction projects. Bernalillo County (County), New Mexico, was selected to receive funding support through these special appropriations to expand the County's existing wastewater collection and drinking water distribution systems into areas not presently served by these systems. The wastewater portion of the overall project includes the proper decommissioning of numerous private on-site septic tank disposal systems, many of which have already failed or are currently in the process of failing, along with installation of the centralized wastewater collection lines to ensure compliance with regulatory guidelines. The current use of these numerous private on-site septic tank disposal systems has dramatically increased the potential for environmental health concerns due to contamination of the local ground water resources.

This condition is creating continued environmental contamination in the area, especially for many of the residents relying on local water wells as the source of their drinking water. Continued analyses in the areas have determined the negative impacts that the septic tank systems are having on ground water quality in the Valleys. One such analysis conducted by the Bernalillo County Environmental Health Department identified areas with high concentrations of septic tank disposal systems per acre of land. Water well samples indicated increased levels of nitrates in the ground water in these areas. Many of the residents in these areas currently pump

ground water from shallow wells for use as drinking water. The County will utilize special Congressional funding support in conjunction with local funds to finance the construction of the overall project.

The original project was reviewed in 2002 by both the New Mexico Environment Department (NMED) and the EPA for compliance with the environmental review requirements of the National Environmental Policy Act (NEPA). This review was based upon information contained in documents prepared for the County entitled Environmental Information Document for the Rio Grande Valley Utilities Project dated August 2001, Cultural Resources of the Rio Grande Valley dated July 2001, and a Hazardous Materials Supplement dated June 2001. The County conducted a formal hearing on July 19, 2001, to inform the public of the proposed project, to identify any public concerns with the project, and to request public participation in development and implementation of the project. The County received no adverse public comments concerning any aspect of the project within the open comment period. The results of the Environmental Assessment completed and issued by the EPA determined that significant adverse environmental impacts should not result from the construction activities involved with this project. The original environmental determination was issued by EPA for public review and comment on June 6, 2002, in a NEPA decision document entitled Finding of No Significant Impact, which was supported by the Environmental Assessment. The EPA also received no adverse public comments concerning the project during the open formal 30-day comment period associated with issuance of the NEPA decision document, and has decided to proceed with the construction of the proposed project. The County conducted another public hearing on June 20, 2007, to identify any public concerns with the project. Only three members of the public attended; several questions were presented by the attendees, but no adverse written comments were received.

## **PROJECT DESCRIPTION**

The purpose of the overall proposed project is the installation of wastewater collection and drinking water distribution systems to serve various communities located within areas known locally as the North and South Valleys. The areas are located within both the greater City of Albuquerque (City) and within the County. The project will involve the construction of approximately forty miles of wastewater collection lines, pump stations, a lift station, and the elimination of numerous on-site septic tank systems. In addition to these specified areas, there are several hundred "completion areas" within the Valleys that require connection to either existing or new facilities. Completion areas are small blocks of houses varying in number where wastewater collection and/or drinking water services are currently not available to the residents. Construction has been slow to proceed due to limited funding, since adequate amounts of funding are not available at any one time to conduct extensive construction activities.

The improvements will be a significant step toward eliminating the ever increasing potential for ground water contamination, and will result in better quality drinking water being available to the citizens. All construction will occur within existing rights-of-way, whether

within the City or County, and will occur simultaneously within both the North and South Valleys. The northern boundary is the Bernalillo County line adjacent to Sandoval County, the eastern boundary runs along the North Diversion Channel and jogs to Interstate 25 north of Montano Road, the western boundary lies predominately along the Rio Grande for the North Valley portion and along Coors Road for the South Valley portion, and the southern boundary is Gun Club Road on the west side of the river and Lagunitas Road on the east side of the river. The project planning area remains the same as reviewed in 2002 without changes, and is shown on the map enclosed as Figure 1. The purchase of new land will not be required, and displacement of any existing citizen, home or business will not be necessary.

### **REAFFIRMATION DETERMINATION**

\_\_\_\_\_ In accordance with EPA's environmental review regulations, NEPA decisions are considered to be valid for 5 years after issuance. After that time, a determination must be made to insure that the environmental baseline has not changed significantly. Based on provisions in the Appropriations Act for the EPA, the NMED has agreed to perform most of the routine management functions for EPA Region 6. The management functions related to environmental assessment include the review of environmental documentation, recommendations of preliminary environmental decisions, and preparation of draft NEPA decision documents. The EPA has received a supporting letter dated April 13, 2007, from the NMED on behalf of the County stating that the original scope of the project, the environmental conditions within the project area, and the public views concerning the project "remain unchanged for the sewer collection and water distribution line projects". The letter further states that the NMED has thoroughly reviewed and recommends approval of the County's request.

Based upon this information and recommendations by the NMED, the EPA has determined that no potential significant adverse environmental impacts are anticipated from the proposed action. The project individually, cumulatively over time, or in conjunction with other actions, is not expected to have a significant adverse effect on the quality of the environment. On the basis of the original environmental review determination that there are no predicted or cumulative significant adverse impacts expected from the project, I have determined that the project is not a major Federal action significantly affecting the quality of the human environment, and that preparation of an Environmental Impact Statement is not necessary.

My preliminary decision is based upon the original Environmental Assessment, a careful review of the original Environmental Information Document prepared for the project, the results of the public participation process, supporting data which are on file in the office listed below and available for public review upon request, and the NMED's supporting recommendations concerning the current status of the project. Therefore, I am reaffirming the results of the original Environmental Assessment and Finding of No Significant Impact, and issuing this preliminary Reaffirmation of No Significant Impact in accordance with the provisions of EPA's environmental assessment regulations found at 40 CFR Part 6. Any and all environmental and funding conditions remain in full force and effect.

**APPROVAL**

\_\_\_\_\_The request by the County for the issuance of this Reaffirmation of No Significant Impact is approved without the need for additional environmental review at this time. This approval will be revoked if at any time the project no longer meets the eligibility for the Reaffirmation of No Significant Impact, new evidence determines that significant local or environmental issues exist, or that Federal, state, local or tribal laws are being or may be violated by implementation of the project. Comments regarding my preliminary decision may be submitted for consideration to the attention of the Office of Planning and Coordination (6EN-XP), Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733. After evaluating any comments received, the EPA will make a final decision. No administrative action will be taken on this preliminary decision for at least 30 calendar days after release of this Reaffirmation of No Significant Impact. The preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Responsible Official,

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

cc: Thaddeus Lucero, County Manager  
Bernalillo County

Ron Curry, Secretary  
New Mexico Environment Department